

VILLAGE OF ANTIOCH  
PLANNING AND ZONING BOARD  
THE BOARD ROOM, VILLAGE HALL  
874 MAIN STREET, ANTIOCH, ILLINOIS

May 11, 2006

CALL TO ORDER:

The meeting of the Antioch Planning and Zoning Board was called to order by Chairman Burdick at 7:30 p.m. in the Board Room at Village Hall, 874 Main Street, Antioch, Illinois 60002.

ROLL CALL:

Roll call indicated the following members were present: Ipsen, Cole, Kaiser, LaReese, Keller and Baba. Also present were Chairman Burdick and Attorney Matt DeMartini.

Member Keller stated changes for April 13, 2006 minutes as follows:

- On page 3, 2<sup>nd</sup> to last paragraph it says “convents” should be “covenants”.
- On page 4, 8<sup>th</sup> paragraph after 25’ should say set back.

MOTION:

Member Cole moved to approve the minutes with corrections. Member Baba seconded the motion.

ROLL CALL:

<b>YES:</b>	5	Ipsen, Cole, Kaiser, Keller, Baba
<b>NO:</b>	0	
<b>RECUSE:</b>	1	LaReese
<b>ABSENT:</b>	0	

STAFF:

Mr. Robert Silhan, Director of Planning, Zoning & Building asked the Members if they had received his email regarding identification forms that needed to be filled out and returned to the Village Clerk’s Office by June 1, 2006.

Attorney DeMartini announced another correction on the April 13, 2006 minutes. It was as follows:

- On page 2, under discussion Scott Gantar should be Scott Gardner, with the Law Firm of Gantar and DeMartini.

MOTION:

Member Cole moved to approve the April 13, 2006 minutes with the additional correction. Member Baba seconded the motion.

ROLL CALL:

**YES:** 5 Ipsen, Cole, Kaiser, Keller, Baba  
**NO:** 0  
**RECUSE:** 1 LaReese  
**ABSENT:** 0

OLD BUSINESS:

PZB 06-06; Andre' re-subdivision within existing R-4 zoning; Harden Street, north shore of Lake Antioch; Jeff Andre'.

PUBLIC COMMENT:

Attorney DeMartini administered the oath to the public.

DISCUSSION:

Mr. Jeff Andre' residing at 504 Harden Street stated that he would like to move two property lines on his current residence.

Member Cole asked if currently his property had 2 PINS and would like to make it 3.

Mr. Jeff Andre' responded yes.

Member Cole stated one lot currently has a structure and the other two lots would be buildable lots.

Mr. Jeff Andre' responded yes.

Chairman Burdick asked if the current house was on lot 2.

Mr. Jeff Andre' responded lot 3.

Member LaReese asked if he intended to sell one of the parcels or one of the lots.

Mr. Jeff Andre' replied he intended to keep the lot to the west and sell lot 2. He went on to say that currently the house is up for sale with 2 lots, one lot and the house.

Member LaReese asked if he resided on lot 3 currently.

Mr. Jeff Andre' responded yes.

Member Ipsen asked if the plat showed the set backs.

Mr. Jeff Andre' pointed out the plat was an official footprint with the set backs.

Member Ipsen stated there would be no room to the west of him.

Mr. Jeff Andre' responded it was the dam property owned by Homer S. Parker.

Attorney DeMartini stated currently there are two lots and approximately in new lot 2, the split property due to the east, there is a For Sale sign located there. Attorney DeMartini asked if he had any plans to purchase.

Mr. Jeff Andre' responded that the property to the east is owned by Pat Colby.

Attorney asked if he had any conversation with Pat Colby about purchasing property.

Mr. Jeff Andre' stated he has had conversations in the past about purchasing the property but at the present time he is going forward with selling the house instead of purchasing the property.

Attorney DeMartini stated the For Sale sign is there but there are no future plans to purchase property.

Mr. Jeff Andre' stated the sign should have been removed. Also, currently there are new signs on the property where they should be.

Senior Planner, Mr. Dustin Nilsen pointed out the two items he looked at were the proposed lot sizes and frontage. Per the two criteria in the zoning code all three lots as proposed meet the minimum lot area and frontage so approval is recommended.

Member Ipsen asked Mr. Jeff Andre' if he currently has sewer & water.

Mr. Jeff Andre' responded yes.

Chairman Burdick asked if sewer & water continued all the way down the southern lots.

Mr. Jeff Andre' responded sewer & water goes all the way down to Hillside.

MOTION:

Member Cole moved to approve PZB 06-06; Andre' re-subdivision within existing R-4 zoning; Harden Street, north shore of Lake Antioch; Jeff Andre'.

**ROLL CALL:**                   **YES:**               6 Ipsen, Cole, Kaiser, LaReese, Keller, Baba  
                                         **NO:**                0  
                                         **RECUSE:**       0  
                                         **ABSENT:**        0

Mr. Jeff Andre' commented that Robert Silhan and Dustin Nilsen were very helpful with the project and it is a pleasure being in this town working with people like that.

**NEW BUSINESS:**               PZB 06-04; Amendment to the GLP Phase 2 PUD (Ordinance #05-11-23) and amendment to the related final plat of subdivision, as it relates to the internal boundary between outlots 4 and 5.

**PUBLIC COMMENT:**           Attorney DeMartini administered the oath to the public.

**DISCUSSION:**               GLP representative, Mr. James Mackenbrock stated that currently the outlots are about equal size and proposing sliding the property line 16 feet to the west to accommodate two separate tenants, one wants a larger piece of property and the other tenant wants a smaller piece of property.

Member Ipsen asked the sizes of the two lots.

Mr. James Mackenbrock stated the small lot is 128 feet with 263 feet in depth and the larger is 162 feet with the same depth.

Member Ipsen asked if that would change the drives.

Mr. James Mackenbrock stated it would not.

Mr. Robert Silhan stated that this has minimal impact and he recommends approval. He also stated, if Attorney DeMartini agrees, that he thought there should be two actions taken; one as a recommendation on the PUD Amendment and the second to the amendment to the final plat.

**MOTION:**                   Member LaReese moved to approve PZB 06-04 Amendment to the GLP Phase 2 PUD (Ordinance #05-11-23). Member Cole seconded the motion.

**ROLL CALL:**                   **YES:**               6 Ipsen, Cole, Kaiser, LaReese, Keller, Baba  
                                         **NO:**                0  
                                         **RECUSE:**       0  
                                         **ABSENT:**        0

MOTION: Member LaReese moved to approve the amendment to the final plat of subdivision. Member Cole seconded the motion.

ROLL CALL: **YES:** 6 Ipsen, Cole, Kaiser, LaReese, Keller, Baba  
**NO:** 0  
**RECUSE:** 0  
**ABSENT:** 0

NEW BUSINESS: PZB 06-05; Proposed amendment to Section 10-6A-1 of the Zoning Ordinance concerning tattoo studios and related performance standards.

PUBLIC COMMENT: The recording secretary reads the public hearing notice and Attorney DeMartini administered the oath to the public.

DISCUSSION: Mr. Robert Silhan stated he presented the proposed language change on April 13, 2006 and a proposed minor wording change on May 8, 2006. He distributed the existing section of the permitted use list in the B-1 zoning category and highlighted a couple of areas on the permitted use list that he thought was pertinent to at least part of the question at hand. He went on to say the permitted use list talks about any similar type of store that has economic compatibility with other uses that are listed and down further on the first page Barber, Beauty, Chiropody or similar personal service shops. Service shops can include a lot of things. In the planning profession, a standard industrial classification manual is used in order to try to interpret permitted use lists. This comes from the office of Management and Budget from the Federal Government. (A copy was distributed to the Members, Attorney and Chairman).

Mr. Robert Silhan also pointed out the first page under the section of miscellaneous Personal Services that Tattoo Parlors are part of what is listed under a Personal Service. The office of Management and Budget also produced a North American Industry Classification system. The SIC codes are still the official document that is used but to document his opinion about permitted used which tattoo parlors are shown under personal services. (Copies distributed to Members, Attorney and Chairman). He further commented that it was his opinion that tattoo parlors or studios are already a permitted use in the B-1 zoning district. Previous supervisors in the front office of the Village Hall disagreed with that. He thinks it is time to clarify that tattoo studios are a permitted use. He also stated it is time to formalize an official action by the Village

to determine what are appropriate performance standards for those types of uses. He thanked Dustin Nilsen and Attorney Matt DeMartini for their assistance. On page 2, section 2A listed is a number of conditions such as liability insurance, an autoclave on premises for sanitation and sterilization, monthly testing as established by Lake County Health Department, compliance with OSHA and the structure housing the studio be greater than 500 feet from any church, public school, playground or athletic field and in compliance with any and all Federal, State and County licensing and practice standards. Also an application fee in section B would be assessed.

Member Cole asked if the conditions are in conformity with other communities.

Mr. Robert Silhan said he failed to acknowledge assistance from local resident Ms. Mandi Lynn who provided some suggestions. Other communities acknowledge that the permitted use that indicates personal service does include tattoo studios.

Member Kaiser inquired as to who does the testing.

Mr. Robert Silhan was uncertain as to whether Lake County Health Department did the testing or if they would even have enough staff to do so.

Resident, Ms. Mandi Lynn, who resides at 150 Treeline commented that the testing is done by independent outside biological facilities that you send the score testing to keep on file and do not deal directly with the Lake County Health Department.

Member Baba asked Mr. Robert Silhan to explain some of the opposition to his opinion from the previous supervisors of the front office staff if he could.

Mr. Robert Silhan stated he wasn't sure, perhaps that some people were under the opinion that this isn't the land use that we want.

Chairman Burdick asked if there was any reason this was coming up now.

Mr. Robert Silhan stated he has received questions from a number of people who on occasion would like to establish a tattoo studio in the Village of Antioch, most recently Ms. Mandi Lynn. She was not satisfied with the answer she

received from our staff and she came forward with suggestions and discussion. She is co owner of Liberty Tattoo located in Libertyville. Her purpose is to petition the Village to amend the text.

Resident, Ms. Mandi Lynn questioned the number of feet the structure has to be from a church, public school, playground or athletic field and referred to Illinois Criminal Code 720 ILCS which says that anyone under the age of 18 is not allowed to enter or remain on the premises where tattooing is being performed unless the person under 18 years of age is accompanied by his or her parent or legal guardian. This is prosecutable by law. Any owner would go to jail if a minor was found on the premises. She understands the concerns but carding is strictly enforced in her place of business. She would like to be a part of the community. She also would like to set higher standards so there is a safe place to tattoo.

Member Cole asked if tattoo artists needed to be licensed.

Ms. Mandi Lynn stated that there was no licensing currently in the State of Illinois. She requires her artists to belong to the Alliance of Professional Tattooist and take blood work every two years.

Chairman Burdick asked if she had ever received calls regarding health or authorities coming in to her establishment. She said never, only when minors have tried to use false identification.

Mr. Robert Silhan questioned the best way to enforce keeping minors off the premises and what does the word premises mean. Does it mean the store itself or the parking lot adjacent to the store if it is located in a strip mall?

Attorney DeMartini mentioned that the State Law given by Ms. Mandi Lynn is a very new law.

Ms. Mandi Lynn stated it passed and was effective January 1, 2006. She felt if the parameters were too strict and she was unable to bring her establishment into town and was forced to go somewhere with less visibility there stands a better chance of minors being on the premises opposed to being in town with a lot of visibility and traffic.

Attorney DeMartini stated that although she may follow the letter of the law, the next business owner might not. He also pointed out that any structure downtown is not

within the 500 feet and wouldn't be prohibited to having her business there.

Ms. Mandi Lynn's concern also was that she called for a listing of parks and had conflicting information. There was a question if the walkway by JJ Blinkers would be considered a park. She does not want to choose a location to be told there is something within the 500 feet considered a park.

Mr. Pete Supple who resides at 181 Treeline spoke on Ms. Mandi Lynn's behalf. He is a neighbor and speaks as a father of two daughters who may want tattoos in the future. He is in construction and his clients are from the health care and medical facility field so he is familiar with medical design, construction and operation. He observed the Libertyville studio to be similar to a medical facility. He feels confident that the Antioch facility would follow the same high standards the Libertyville business currently does.

Member Keller asked if the walkway by JJ Blinkers was considered a park.

Mr. Robert Silhan responded no. He went on to list the parks located in the Village from the Parks Department brochure.

Member Cole inquired if the 500 feet could be changed to 250 feet.

Mr. Robert Silhan responded it was possible and he had no problem with it. He said it would be the Board's decision.

Member Cole asked if the 500 feet was consistent with a tavern or liquor license.

It was determined the distance was also 500 feet for a liquor license.

MOTION:

Member Kaiser moved to approve PZB 06-05; Proposed amendment to Section 10-61-1 of the Zoning Ordinance concerning tattoo studios and related performance standards. Member Cole seconded the motion.

Member Baba asked Member Kaiser if he intended to continue the 500 feet.

Member Kaiser said yes.



ROLL CALL:

**YES:** 6 Ipsen, Cole, Kaiser, LaReese, Keller, Baba  
**NO:** 0  
**RECUSE:** 0  
**ABSENT:** 0

MOTION:

Member Ipsen moved to adjourn at 8:20 p.m. The motion was seconded by Member Cole.

**Motion Carried**

Respectfully Submitted,

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Sherry L. Hoban  
Assistant Permits Coordinator